

GOVERNMENT OF ANHDRA PRADESH

ABSTRACT

Labour Factories Boilers & Insurance Medical Services Department -
Amendment to the Andhra Pradesh Labour Welfare Fund Rules, 1988 -
Notification - Orders - Issued.

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LABOUR FACTORIES BOILERS & INSURANCE MEDICAL SERVICES (Labour.II) DEPARTMENT

G.O.Ms.No.3

Dated:04.05.2023

Read the following:

1. G.O.Ms.No.131, LFB&IMS(Labour.II) Department,
Dt.25.06.1988.
2. The Andhra Pradesh Labour Welfare Fund (Second Amendment)
Ordinance, 2022 issued vide A.P. Gazette No. 27,
dated:31st October, 2022.
3. From the Spl.COL, AP, Lr. No. I/APLWB Act (Amendment)/2022,
dated:12.09.2022.

ORDER:

Government, after careful examination of the proposal in the letter 3rd read above, the following Notification will be published in an Extra-ordinary issue of the Andhra Pradesh Gazette, dated:04.05.2023.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 37 of the Andhra Pradesh Labour Welfare Fund Act, 1987 (Act No.34 of 1987), the Government hereby makes the following amendment to the Andhra Pradesh Labour Welfare Fund Rules, 1988 issued in G.O.Ms.No.131, Labour Factories Boilers and Insurance Medical Services (Labour. II) Department, dated 25th July, 1988, as subsequently amended from time to time:-

AMENDMENT

In the said rules,

- (1) after Rule 22, the following shall be added, namely,-

“(a) Rule 22-A : Appointment of Authorities and Appellate Authorities under sub-section 3 of section 25 and sub-section 3 of section 30 of the Act :

- (1) The Government may notify the Officers of the Labour Department not below the rank of Assistant Commissioner of

Labour, as Authorities to exercise power under sub-section (3) of section 25 and sub-section 3 of section 30.

(2) The Government may notify the Officers of the Labour Department not below the rank of Deputy Commissioner of Labour, as Appellate Authorities to exercise power under the proviso to sub-section (3) of section 25 and sub-section 3 of section 30.

(b) Rule 22-B: Appeal on fines (Form of appeal, mode of submission and procedure to be followed by the Appellate Authority):

1. Every appeal, under section 25 (3) and section 30 (3) shall be presented to the Appellate Authority in person or sent to him by Registered Post under Acknowledgement Due.
2. The appeal shall be in form of a memorandum and shall be accompanied by a certified copy of the order appealed against.
3. The memorandum shall set forth the grounds of appeal.
4. Where the memorandum of appeal in order, the Appellate Authority shall admit the appeal, endorse thereon the date of presentation and shall register the appeal in the Register of Appeals in Form- H.
5. Where the appeal is admitted, the Appellate Authority shall obtain the connected records from the Inspector concerned against whose order the appeal has been preferred.
6. The Appellate Authority shall give an opportunity to the appellant for being heard, by fixing a date.
7. If, on the date fixed for personal hearing, the appellant does not appear, the Appellate Authority after giving reasonable opportunity shall decide the appeal on the basis of the records made available to him and shall communicate his order to the appellant.
8. If, the appellate is of the opinion that the quantum of penalty imposed is on the higher side or not correctly made it shall suitably modify or set aside the total penalty of compounding as the case may be."

(2) after Rule 24, the following shall be added , namely,-

"Rule 25: Penalty for violation of Rules:

1. Any employer who contravenes any of the provisions of these Rules shall be imposed for a first contravention with fine which may extend to Rs .25,000/- and for a second or subsequent contravention with fine which may extend to Rs 1,00,000/-
2. The provisions of Appeal, Appointment of Authorities and the Appellate Authorities, the procedure before the Authority and the Appellate Authority shall be the same as prescribed in sub -

section (3) of section 25 and sub-section 3 of section 30 of the Act and Rules 22 A and 22 B."

(3) after "Form-G" the following shall be added, namely,-

"FORM-H"

(See Rule 22-B(4))

Register of Appeals on fines

Sl. No.	Name and address of the applicant	Date of appeal	Date of presentation of appeal	Date of hearing	Whether allowed or rejected	Date of final order
1	2	3	4	5	6	7

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. M.HARI JAWAHARLAL
SECRETARY TO GOVERNMENT

To

The Director of Printing Stationery & Stores Purchase, Vijayawada.

(with a request to publish the said Notification and supply 100 copies to the Commissioner of Labour, AP, Vijayawada.)

The Commissioner of Labour, AP, Vijayawada.

The Welfare Commissioner, A.P. Labour Welfare Board, Vijayawada.

Copy to:

The PS Hon'ble Minister (LFB&IMS).

The PS to Secretary to Hon'ble CM.

The P.S. to Secretary to Government, LFB&IMS Department.

Law (B) Department.

Sf/Sc

//FORWARDED :: BY ORDER//

D. Lishu Kumar
SECTION OFFICER